



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/316,033	05/21/1999	KOUKI HATAKEYAMA	0879-0234P	7274
2292	7590	01/17/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			AGGARWAL, YOGESH K	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/316,033

Applicant(s)

HATAKEYAMA, KOUKI

Examiner

Yogesh K. Aggarwal

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2,11,12,16 and 17.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


**DAVID OMETZ
SUPERVISORY PATENT EXAMINER**

Art Unit: 2615

Examiner's response:

1. Applicant argues that there is no teaching or suggestion in Saito that discloses the controller having a timer for measuring elapsed time since the power supply from the power supply part is suspended and the controller turns off the master switch when the elapsed time reaches a predetermined time shorter than a time for an automatic power-off control **while the detector does not detect that the lid is closed**. The Examiner respectfully disagrees. The claim recites "an external storage medium chamber for receiving the external storage medium connected to the external storage medium interface, the external storage medium chamber having an opening through which the external storage medium is received; a lid for closing the opening of the external storage medium chamber;.... a detector for detecting that the lid is opened and closed". The primary reference Maeda (JP 08-096493) teaches the above recited limitations as shown below:

an external storage medium chamber for receiving the external storage medium connected to the external storage medium interface, the external storage medium chamber having an opening through which the external storage medium is received (e.g., Figs. 5):

a lid for closing the opening of the external storage medium chamber (e.g., lid 12 of Fig. 5);....

a detector for detecting that the lid is opened and closed (e.g., switch 15 of Fig. 5; paragraph 0047).

Therefore an external storage medium chamber that receives the memory card **and a lid that closes the opening of the external storage medium and a detector for detecting that the lid is opened or closed** are being taught in Maeda.

The secondary reference was used to teach the recited claimed limitations “the controller has a timer for measuring elapsed time since the power supply from the power supply part is suspended and the controller turns off the master switch when the elapsed time reaches a predetermined time shorter than a time for an automatic power-off control while the detector does not detect that the lid is closed”.

Furthermore as explained in applicant’s specification (Page 9 line 23, Page 24 line 2 and Page 10 lines 20-25, figure 6) when the lid is opened the CPU determines the memory card is going to be detached and suspends the power supply and then the memory card is detached. A timer is started when the power supply is suspended after the memory card is detached and after a predetermined time limit that is shorter than a time limit for an automatic power-off control is reached, the CPU turns off the master switch when no operation part of the camera has operated for the predetermined time limit. Therefore in essence, **the applicant’s invention is when there is no memory card present, the time required to power off during a predetermined time limit is shorter than a time limit for an automatic power-off control.**

Saito teaches that when the memory card 21 is fitted and a non-operating state is continued over the first prescribed time, a power source is turned off. **When the medium 21 is not fitted and the non-operating state is continued over a second time shorter than the first time, the power source is turned off.**

Therefore Saito teaches **memory card being not fitted** and Maeda teaches **a lid that closes the opening of the external storage medium chamber containing the memory card and a detector for detecting that the lid is opened or closed**. Therefore taking the combined teachings of Maeda and Saito, **when the memory card is not detected so that the non-operating state is continued over a second time shorter than a first time and the power source is turned off** is taught in Saito, the function of **lid not covering the memory card chamber while the memory card being detached and also detecting that the lid is opened or closed** is taught in Maeda.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

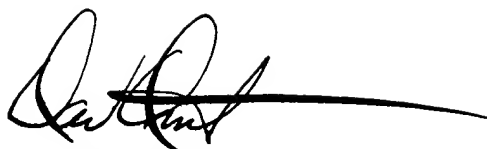
Application/Control Number: 09/316,033

Page 5

Art Unit: 2615

YKA

January 6, 2006

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER